

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

WILLIAM J. SOLANO, III,

CV 06-1802-AC

Petitioner,

OPINION AND ORDER

v.

BRIAN BELLEQUE,

Respondent.

REDDEN, Judge:

On June 24, 2009, Magistrate Judge John Acosta filed his Findings and Recommendation (doc. 37) that William J. Solano's Petition (doc. 2) for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied, and judgment entered dismissing this case with prejudice.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b) and 54(d)(2)(D). The district court is not bound by the recommendations of the magistrate judge, and "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with

instructions.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). When either party timely objects to any portion of the magistrate’s Findings and Recommendation, the district court must conduct a *de novo* review of those portions of the magistrate’s report. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court is not, however, required to review the magistrate judge’s factual and legal conclusions to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Acosta’s Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Acosta’s analysis and conclusions. Accordingly, I ADOPT the Findings and Recommendation (doc. 31) as my own opinion.

IT IS SO ORDERED.

DATED this 24th day of July, 2009.

/s/ James A. Redden
James A. Redden
United States District Judge